

from Part 3380 of Title 43 to Part 250 of Title 30, see F.R. Doc. 69-7591, Department of the Interior, Bureau of Land Management (43 CFR Part 3380), *supra*.

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [ 7 CFR Part 946 ]

### IRISH POTATOES GROWN IN WASHINGTON

#### Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Washington potatoes and of the marketing prospects for this season. Harvesting is expected to begin the first week in July. The grade, size, cleanliness, and maturity requirements provided herein, which are the same as those currently in effect (33 F.R. 9756), are necessary to prevent immature potatoes, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation follows:

#### § 946.324 Limitation of shipments.

During the period July 16, 1969, through July 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade*. All varieties: U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties*. 1 1/2 inches minimum diameter.

(ii) *Long varieties*. 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*. All varieties: At least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties*. "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold)*. "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments*. The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

- (1) Livestock feed;
- (2) Charity;
- (3) Starch;
- (4) Canning or freezing;
- (5) Dehydration;
- (6) Export;
- (7) Potato chipping; or
- (8) Prepeeling.

(d) *Safeguards*. Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards*. In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception*. Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions*. The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421-52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports*. Pursuant to section 608e-1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the grade, size, quality and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

(Secs. 1-19, 49 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 23, 1969.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7589; Filed, June 26, 1969; 8:47 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### [ 29 CFR Part 541 ]

### EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EXEMPTIONS

#### Notice of Proposed Rule Making

Section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended (29

U.S.C. 213(a)(1)), provides an exemption from the minimum wage and overtime requirements of the Act for any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Secretary of Labor. The Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor has been delegated the authority to issue such regulations (34 F.R. 1203), and the regulations are contained in 29 CFR Part 541. Among other things, they provide that executive employees must be paid at a rate of not less than \$100 a week on a salary basis (\$75 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), that administrative employees must be paid at a rate of not less than \$100 a week on a salary or fee basis (\$75 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), and that professional employees must be paid at a rate of not less than \$115 a week on a salary or fee basis (\$95 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). These regulations also contain special high salary provisions for such employees who are paid \$150 a week or more, including those in Puerto Rico, the Virgin Islands, or American Samoa.

The salary tests in 29 CFR Part 541 were last amended effective September 30, 1963, for nonretail industries and September 3, 1965, for retail and service activities. A recent report containing data pertaining to earnings of executive, administrative, and professional employees indicates that significant increases in wages and salary levels have taken place since the salary tests were last amended. Based on an analysis of the data, it is proposed that the minimum weekly salary requirements for exemption under 29 CFR Part 541 be as follows:

	United States	Puerto Rico, the Virgin Islands, and American Samoa
Executive.....	\$130	\$100
Administrative.....	130	100
Professional.....	150	125

It is also proposed that the minimum salary for application of the special high salary provisions be increased to \$200 a week.

Copies of the report upon which these proposals are predicated are available upon request at the Wage and Hour and Public Contracts Divisions, 14th Street and Constitution Avenue NW., Washington, D.C.

Notice is hereby given of a public hearing to be held beginning at 9:30 a.m. on September 16, 1969, in Room 107 A, B, C, of the Department of Labor Building at 14th Street and Constitution Avenue NW., Washington, D.C., before a hearing examiner to be designated for that purpose, at which interested persons may submit oral data, views, or arguments concerning the foregoing proposals. All persons wishing to be heard on the pro-

posals shall, not later than August 15, 1969, file with the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.
3. The approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Administrator at the above address at any time prior to the hearing, or they may be filed at the hearing.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentations to matters pertinent to the proposals. Upon completion, the hearing examiner shall certify the record to me, and upon consideration thereof, and the written submissions and other information as may be available, I shall make appropriate changes in 29 CFR Part 541.

Signed at Washington, D.C., this 24th day of June 1969.

ROBERT D. MORAN,  
Administrator, Wage and Hour  
and Public Contracts Divi-  
sions, U.S. Department of  
Labor.

[F.R. Doc. 69-7609; Filed, June 26, 1969;  
8:48 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[ Airspace Docket No. 69-WE-36 ]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Idaho Falls, Idaho, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles,

Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Subsequent to the designation of the original Idaho Falls, Idaho, control zone and transition area the criteria for such areas has been changed. Accordingly, it is necessary to alter this airspace to comply with the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the Idaho Falls, Idaho, control zone is amended to read:

#### IDAHO FALLS, IDAHO

That airspace extending upward from the surface within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.) within 3.5 miles each side of the Idaho Falls VOR 223° radial, extending from the 5-mile-radius zone to 11 miles southwest of the VOR; within 3.5 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VOR and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile-radius zone to 9 miles northeast of the RBN.

In § 71.181 (34 F.R. 4637) the Idaho Falls transition area is amended to read:

#### IDAHO FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile-radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile-radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of

section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,  
Acting Director, Western Region.

[F.R. Doc. 69-7578; Filed, June 26, 1969;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 69-WE-42]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Montrose, Colo., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of control zones and transition areas has been changed. Accordingly, it is necessary to alter these areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Montrose, Colo., control zone is amended by deleting the numerals " \* \* \* 2 \* \* \* " and " \* \* \* 7 \* \* \* " in the second and third lines respectively and substituting " \* \* \* 4 \* \* \* " and " \* \* \* 14 \* \* \* " therefor.

In § 71.181 (34 F.R. 4637) the Montrose, Colo., transition area is amended to read:

MONTROSE, COLO.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose

VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,  
Acting Director, Western Region.

[F.R. Doc. 69-7579; Filed, June 26, 1969;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Ch. X ]

[Ex Parte No. MC-19 (Sub-No. 9)]

### PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

#### Agency Relationships

JUNE 24, 1969.

This proceeding is being initiated to examine and consider the agency relationships existing in the regulated household goods moving industry with a view to determining what action, if any, this Commission should take or propose with respect to the further regulation and control of these arrangements. Today, most of the major household goods carriers engaged in operations in interstate or foreign commerce subject to our jurisdiction appear to operate through three different types of agents—carrier-agents, noncarrier hauling agents, and booking agents. The background of the development of some of these carrier systems is described in such cases as *North American Van Lines, Inc., Common Carrier Application*, 41 M.C.C. 771 (1943); *North American Van Lines, Inc., Investigation of Control*, 60 M.C.C. 701 (1955); *United Van Lines, Inc., Extension of Operations*, 42 M.C.C. 451 (1943); *Geitz Storage and Moving Co., Inc., Investigation of Control*, 65 M.C.C. 257 (1955); *Aero Mayflower Transit Co., Inc., Com. Car. Application*, 20 M.C.C. 633 (1939); and *Grayvan Lines, Inc., Common Carrier Application*, 32 M.C.C. 719 (1942).

Generally, the carrier-agents are small motor common carriers holding interstate authority from this Commission to transport household goods in a limited area. They accept shipments for their own transportation when moving within the scope of their operating authority and for the account of the national van line when moving to points beyond their own authority. Noncarrier hauling agents hold no interstate operating authority in their own right, but may provide independent intrastate service under appropriate intrastate rights. Apparently many such agents own motor vehicles and operate in the same manner as the carrier-agents, except that all interstate shipments are transported for the account of

the national van line. Booking agents perform no actual transportation, but confine their operations to the booking of shipments for transportation by the national van lines.

The householder, in arranging for the interstate movement of his household goods, usually deals directly with these agents or with employees of these agents, and not with the national van line principals. The agent is thus the point of contact between the public and the authorized motor common carrier of household goods, and his role in the rendition of interstate moving service is an extremely important one not only from an operational standpoint, but from a public relations viewpoint as well. The householder judges the adequacy of the interstate household goods moving service by the agent's performance. The manner in which these agents are selected, their qualifications, the agreements pursuant to which they are employed, including terms relating to tenure, performance standards, bonding, methods of compensation, and other similar requirements, the circumstances under which they are discharged or replaced, and other related factors are all matters of vital interest and concern to the shipping public which this Commission has a duty to protect. Compare *American Trucking Assn., Inc. v. United States*, 344 U.S. 298 (1953).

At the present time, the household goods carriers may freely create, exchange, or replace their agents subject to no control and regulation by this Commission. To some extent, the present situation with respect to these agency relationships seems to have created an atmosphere of instability and concomitant irresponsibility within the household goods moving industry inconsistent with the public interest and the National Transportation Policy. It therefore is desirable and necessary that all aspects of these agency relationships be explored and fully considered by this Commission. It is for these purposes that the instant proceeding is instituted.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 set seq.), and more specifically sections 204(a) (1), (6), and (7), 204(b), and 208(a) thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purposes (1) of inquiring into the nature of existing agency agreements and relationships entered into by motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, (2) of investigating the effect these agency agreements and relationships have upon the adequacy of interstate moving services and the obligation of the authorized common carrier principals to perform reasonably adequate and continuous service pursuant to the terms of their certificates, (3) of considering whether there should be adopted rules and regulations, or attached to the exercise of the privileges granted by the certificates